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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/813,221 | 03/30/2004 | Ting Tao | KPG-5100US | 3855 |
| 1333 | 7590 | 06/23/2005 | EXAMINER | |
| BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201 | | | WALKE, AMANDA C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1752 | |
| DATE MAILED: 06/23/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,221

Applicant(s)

TAO ET AL.

Examiner

Amanda C. Walke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming et al (6,159,657) in view of Sumita et al (EP 1114734).

Fleming et al disclose a thermal imaging composition comprising a polymer with recurring units X', Y', and Z' (20-99%, 1-20%, and 0-70% respectively), wherein X' is an organoammonium, organophosphonium, or organosulfonium group, and Y' and Z' are derived from an ethylenically unsaturated monomer (see columns 10-12). The printing plate produced employing this composition is an on-press plate that according to the examples is treated with ink and / or fountain solution. While the reference teaches that Y' and Z' are any recurring units derived from ethylenically unsaturated monomers, the reference is not specific as to what those monomers are.

Sumita et al disclose an acrylic copolymer made from methyl methacrylate, n-butyl acetate, acrylic acid, diethylaminoethyl methacrylate, polyethylene glycol methacrylate, and trimethoxysilane propylmethacrylate, which meet the instant claim limitations of K and L ([0514]). The resin is high in durability and ink absorbing ability.

Therefore, given the teachings of the references, it would have been obvious to one of ordinary skill in the art to prepare the material of Fleming et al choosing to employ the

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monomers of Sumita et al as the Y' and Z' recurring units to increase durability and ink absorption, with reasonable expectation of achieving a material having increased IR sensitivity.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riondel et al (6,521,782, EP 1253137), Lacroix et al (5,260,480, EP 329512), Hess et al (4,745,214), Pabon et al (6,521,730), Lawrence et al (6,554,418), Nguyen et al (6,417,249), West et al (6,762,223), DoMinh et al (6,423,469), Fleming et al (6,537,730), Cahill et al (6,171,422), Bradley et al (6,809,216), Zheng et al (6,623,908, 6,579,662, and 6,660,449), and Ascherl et al (EP 428970) are cited for their teachings of similar materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

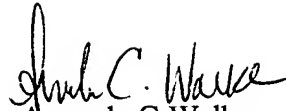
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Amanda C. Walke". The signature is fluid and cursive, with the first name being the most prominent.

Amanda C Walke

Examiner

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ACW

June 19, 2005